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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,335	09/11/2003	Ikuo Makita	1538.1040	3760

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EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/659,335	Applicant(s) MAKITA, IKUO	
	Examiner Samson B. Lemma	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in reply to an amendment filed on December 06, 2006.
All Claims except dependent claims 8 and 10 are amended. No new claim is added. Claims 1-33 are pending/examined.
2. With respect to the 101 rejections set forth in the previous office action, Applicant's representative successfully overcomes the rejection. Thus the rejection is withdrawn.

Response to Arguments

3. Applicant's remark/arguments filed on December 06, 2006 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Independent claims 1 and 14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amended independent claims 1 and 14, recites the following limitation "confirming if an authority to give said first user permission to read said specific data is granted **to said second user by comparing ...**" This limitation is ambiguous and does not give a well defined meaning. Since it the first computer which is requesting permission to read specific data in a second computer, the comparison is done in the second computer by the second computer to either grant or deny said first computer to read said specific data stored in the second computer. It is therefore the second computer, which gives the first computer permission to read specific data. Therefore, the limitation should have been written as "confirming if an authority to give said first user permission to read said

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specific data is granted **by said second user by comparing ...**", so that the claims have a well defined meaning. For the sake of examination, the examiner interprets such limitation as corrected/suggested/shown above.

The claims have to be corrected to avoid ambiguity.

6. **Claims 2-4 & 15-17** depend from the rejected independent claim 1 and 14 respectively, and include all the limitations of the respective claims, thereby rendering those dependent claims indefinite.

Appropriate correction is required.

7. **Claims 14-23** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble, in the respective amended claims 14-23, recites the following limitation, "**a computer-readable medium storing a program for controlling an apparatus by**", such limitation does not have a well-defined meaning.

Examiner asserts that a program stored in a computer-readable medium does not control the apparatus itself, rather causes the apparatus to perform certain functions. The claims could be written in such a way that, when the program stored in a computer-readable medium is executed, the program performs the steps recited in the body of the claims.

Appropriate correction is required, so that the respective claims have well defined meaning.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-33** are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Hashimoto Hirobumi** (hereinafter refereed as **Hirobumi**) (Japanese Publication No. 2000-306026) (Publication Date 11/02/200) (Submitted with the Applicant's IDS) in view of Spain et al (hereinafter referred to as **Spain**) (U.S. Patent No. 7, 058, 811 B2) (filed on 10/31/2001)
10. **As per claims 1, 5, 11-12, 14, 18, 24 and 28-33** **Hirobumi discloses an information processing method in a center system, comprising: receiving a first digital signature for specific data and data concerning a first user to be allowed to read said specific data, from a terminal of a second user; [Abstract]** (Concerning an electronic document template, in a server, an access control parameter for controlling the read and update of input items on the document and records in a job database is separated to a server definition parameter and a user definition parameter (1101). The hash values of the respective parameters are found, enciphered signatures are added (1103), and the template is transmitted corresponding to the request of a client) is separated to a server definition parameter and a user definition parameter (1101)) **comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data; and if it is judged that said first signature and said second signature are identical, performing a processing for enabling said first user to read said specific data. [Abstract and see also paragraph 0007-0009]** (When the parameter is updated (1202) at the client side, processing similar to 1103 is performed (1203), data are inputted (1204), processing similar to 1103 is performed to the data (1205), the hash value of the parameter is found, falsification of the parameter is confirmed on the basis of the result compounding this hash value and the signature (1206), and the template is

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transmitted to the server (1207). In the server, the falsification is confirmed similarly to the server, processing is performed to the template and the result is returned to the client.)

Hirobumi does not explicitly disclose

- Confirming if an authority to give said first user permission to read data by comparing the received first digital signatures with second digital signature.

However, in the same field of endeavor, Spain discloses the following, which meets the above limitation,

“A digital signature generator is included to create a digital signature of the hardware address of the hardware element. A memory element stores the digital signature of the hardware element. A software program is included to compare the digital signature of the hardware element to a known value. **If the digital signature of the hardware element matches the known value, the user may be granted read and write access to all memory locations within the memory element**, including a location in which the hardware address is stored.” [See at least the abstract]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of comparing digital signatures before granting access for read/write as per teachings **Spain** into the method as taught by **Hirobumi** in order to **verify the authenticity of the request before granting access to read/write**. [See **Spain**, lines 58-59]

11. As per claims 2, 15 and 25 the combination of Hirobumi and Spain discloses an information processing method as applied to claims above. Furthermore Hirobumi discloses the method, wherein said performing comprises transmitting hash data, which is registered in said data storage unit so as to correspond to said specific data, and which represents that an authority to read said specific data is granted to said first user, to a terminal of said first user.

[Abstract] (The hash values of the respective parameters are found, enciphered signatures are

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added (1103), and the template is transmitted corresponding to the request of a client and see also what is disclosed in the Spain's abstract)

12. As per claims 3,6-10, 13,16,19-23 and 26-27 the combination of Hirobumi and Spain discloses an information processing method as applied to claims above. Furthermore Hirobumi discloses the method, further comprising: said first signature and said second signature are not identical, generating second hash data from said first digital signature; confirming if said authority to give said first user first user said permission to read specific data is granted by said second user by comparing the generated second hash data with hash data, which is registered in said data storage unit so as to correspond to said specific data; and executing a processing for enabling said first user to read said specific data. [Abstract]

((Concerning an electronic document template, in a server, an access control parameter for controlling the read and update of input items on the document and records in a job database is separated to a server definition parameter and a user definition parameter (1101). The hash values of the respective parameters are found, enciphered signatures are added (1103), and the template is transmitted corresponding to the request of a client) is separated to a server definition parameter and a user definition parameter (1101) and When the parameter is updated (1202) at the client side, processing similar to 1103 is performed (1203), data are inputted (1204), processing similar to 1103 is performed to the data (1205), the hash value of the parameter is found, falsification of the parameter is confirmed on the basis of the result compounding this hash value and the signature (1206), and the template is transmitted to the server (1207). In the server, the falsification is confirmed similarly to the server, processing is performed to the template and the result is returned to the client.)Furthermore See also the abstract of Spain which discloses the following. "A digital signature generator is included to create a digital signature of the hardware address of the hardware element. A memory element stores the digital signature of the hardware element. A software program is included to

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compare the digital signature of the hardware element to a known value. **If the digital signature of the hardware element matches the known value, the user may be granted read and write access to all memory locations within the memory element**, including a location in which the hardware address is stored.”)

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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S.L.

03/15/2007


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